

NIQA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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ESTRELLITA L. TORRES, o/b/o D.P.
Plaintiff

CIVIL ACTION

No. 16-0690

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security
Administration
Defendant

FILED

DEC 21 2016

LUCY Y. CHAN, Interim Clerk
By *[Signature]* Dep. Clerk

ORDER

AND NOW, this 21st day of December 2016, upon consideration of the *Report and Recommendation* issued on December 1, 2016, by the Honorable Linda K. Caracappa, United States Magistrate Judge (“the Magistrate Judge”), [ECF 19], and after a careful and independent review of the record, this Court concurs with the Magistrate Judge’s conclusion that the findings of fact and conclusions of law, as determined by the Administrative Law Judge in this matter, are supported by substantial evidence.¹ Consequently, it is hereby **ORDERED** that:

1. The *Report and Recommendation* is **APPROVED** and **ADOPTED**.
2. Plaintiff’s Request for Review is **DENIED**.
3. Pursuant to 42 U.S.C. § 405(g), the decision of the Commissioner of Social Security is **AFFIRMED**, and **JUDGMENT** is entered in favor of Defendant Carolyn W. Colvin, Acting Commissioner of Social Security, and against Plaintiff Estrellita L. Torres.
4. The Clerk of Court is directed to mark this matter **CLOSED**.

BY THE COURT:

ENTERED

DEC 21 2016

CLERK OF COURT

[Signature]
NITZA I. QUINONES ALEJANDRO
Judge, United States District Court

¹ Neither Plaintiff nor the Acting Commissioner filed any objection and/or response to the *Report and Recommendation* (the “R&R”). In the absence of any objections, this Court reviewed the R&R under the “plain error” standard. *See Facyson v. Barnhart*, 2003 WL 22436274, at *2 (E.D. Pa. May 30, 2003). Under this plain error standard of review, an R&R should only be rejected if the magistrate judge commits an error that was “(1) clear or obvious, (2) affect[ed] ‘substantial rights,’ and (3) seriously affected the fairness, integrity or public reputation of judicial proceedings.” *Leyva v. Williams*, 504 F.3d 357, 363 (3d Cir. 2007) (internal quotations and citations omitted). Here, after a thorough review of the record and the R&R, this Court finds no error and, therefore, adopts the R&R in its entirety.